City Of Santee Regular Meeting Agenda

Santee City Council Community Development Commission Santee Public Financing Authority

Council / Commission / Authority Chamber 10601 Magnolia Avenue Santee, CA 92071

> July 11, 2007 7:00 PM

(Call meeting to order as City Council/Community Development Commission/Public Financing Authority)

ROLL CALL: Mayor Randy Voepel

Vice Mayor John Minto

Council Members Jack Dale, Brian Jones and Hal Ryan

INVOCATION: Sonrise Community Church

PLEDGE OF ALLEGIANCE:

PROCLAMATION: JULY IS RECREATION AND PARKS MONTH

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

1. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be approved by one motion, with no separate discussion prior to voting. Council Members, staff or public may request specific items be removed from the Consent Calendar for separate discussion or action. Speaker slips for this category must be presented to the City Clerk before the meeting is called to order. Speakers are limited to 3 minutes.

(A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.

- (B) Approval of Meeting Minutes:
 Santee City Council 06-27-07 Regular Meeting
 Community Development Commission 06-27-07 Regular Meeting
 Santee Public Financing Authority 06-27-07 Regular Meeting
- (C) Approval of Payment of Demands as Presented.
- (D) Adoption of Resolution Approving the Final Map for Mission Trail Villas (TM 2002-01). Location: 8736 Bushy Hill Drive.
- (E) Approval of the First of Four Possible Extensions of the Citywide Street Striping and Painting Contract to C-18, Incorporated through FY 2007-08 and Authorization for the City Manager to Sign the Notice of Extension with an Amendment of 3% Cost Increase and an Increase to 15 Business Days for Work Order Completion.
- (F) Rejection of Four (4) Claims Against the City by Owen Couture, Michael Vader, Darren Jones and Mercury Insurance Group per Government Code Section 913.
- (G) Approval of Mobile Data Computer Equipment Grant from San Diego Service Authority for Freeway Emergencies and Appropriation of Funds in the Amount of \$12,107.
- (H) Approval of the Cost Report and Account of Unpaid Weed Abatement Invoices, and Approval for Establishment of Special Assessments and Filing with the County Auditor.

2. PUBLIC HEARINGS:

(A) Public Hearing for a Conditional Use Permit (P06-02) to Establish a Permanent Biological Habitat Preserve and Provide for a Short-Term Sand Mining Operation Located Along the South Side of the San Diego River Between Magnolia Avenue and Cuyamaca Street and a Temporary Stockpile Area West of Cottonwood Avenue in the P/OS and TC Zones. (Applicant: County of San Diego and EnviroMINE Incorporated)

Recommendation:

- 1. Conduct and close the Public Hearing, and
- Approve the Final Mitigated Negative Declaration as Complete and in Compliance with the provisions of the California Environmental Quality Act [CEQA]; and
- 3. Adopt the Resolution Approving Conditional Use Permit P06-02.

3. ORDINANCES:

(A) Adoption of an Urgency Ordinance Establishing a Moratorium on the Further Establishment of New Bail Bond Offices and the Expansion or Renovation of Existing Bail Bond Offices Pursuant to Government Code Section 65858. (Continued from 06/27/07)

<u>Recommendation:</u> Introduce and Adopt Interim Urgency Ordinance.

(B) Adoption of Resolution of Intention and First Reading of an Ordinance Authorizing an Amendment to the Contract Between the City Council and the Board of Administration of the California Public Employees' Retirement System Adopting the Indexed Level of 1959 Survivor Benefits for Local Safety Members.

Recommendation:

- 1. Adopt Resolution of Intention, and
- 2. Introduce and Conduct First Reading of Ordinance and set the Second Reading and Adoption of the Ordinance for the July 25, 2007 City Council meeting.

4. CITY COUNCIL REPORTS:

(A) Appointment of Charter Advisory Committee Members. (Voepel & Minto)

<u>Recommendation:</u> Appoint Eight Members and Two Alternates to the Charter Advisory Committee as listed in the Staff Report.

5. CONTINUED BUSINESS:

(A) Parks and Recreation Master Plan Update.

Recommendation: Receive Report.

6. **NEW BUSINESS**: None

7. COMMUNICATION FROM THE PUBLIC:

Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the Agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

- 8. CITY MANAGER REPORTS:
- 9. COMMUNITY DEVELOPMENT COMMISSION:

(Note: Minutes appear as Item 1B)

(A) Appropriation of Funds for Reimbursement to Lowe's HIW, Inc for Traffic Signal Improvements (P99-11). Location: 9416 Mission Gorge Road.

<u>Recommendation:</u> Appropriate \$159,483.95 in Redevelopment Funds to reimburse Lowes HIW, Inc. and Authorize the City Manager to Execute the Reimbursement Agreement.

10. SANTEE PUBLIC FINANCING AUTHORITY:

(Note: Minutes appear as Item 1B)

- 11. CITY ATTORNEY REPORTS: None
- 12. CLOSED SESSION: None
- 13. ADJOURNMENT:



Ju1y	11	City Council/CDC/SPFA Meeting	Chamber
Ju1y	25	City Council/CDC/SPFA Meeting	Chamber
July	26	Santee Human Relations Advisory Board	Chamber Conf Rm
Aug	02	Santee Park and Recreation Committee	Building 6 Conf. Rm.
Aug	08	City Council/CDC/SPFA Meeting	Chamber
Aug	22	City Council/CDC/SPFA Meeting – CANCELLED	Chamber
Aug	23	Santee Human Relations Advisory Board	Building 1 Conf. Rm.

The Santee City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

For your convenience, a complete Agenda Packet is available for public review at the Santee Library, City Hall and on the City's website at www.ci.santee.ca.us.

The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (619) 258-4100, ext. 112 at least 48 hours before the meeting, if possible.

State of California } AFFIDAVIT OF POSTING AGENDA County of San Diego } ss. City of Santee } I, Linda A. Troyan, MMC, City Clerk of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with Resolution 61-2003 on July 6, 2007 at 4:30 p.m. | Toyan, MMC, City Clerk of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with Resolution 61-2003 on July 6, 2007 at 4:30 p.m.

MEETING DATE July 11, 2007 AGENDA ITEM NO. PROC

ITEM TITLE PROCLAMATION "JULY IS RECREATION AND PARKS MONTH", "GO PLAY! GET FIT! YOUTH DAY" AND PRESENTATION OF FUND RAISER PROCEEDS TO THE CITY COUNCIL BY THE SANTEE PARK AND RECREATION COMMITTEE

DIRECTOR/DEPARTMENT

Randy Voepel, Mayor

SUMMARY

July is recognized nationally as Recreation and Parks Month, and is the time to recognize that the Community Services Department offers a wide variety of opportunities that can be enjoyed by youth, adults, seniors, and families.

The City of Santee is a member of The Greater San Diego Recreation & Parks Coalition for Health and Wellness, that will be offering a one-day, county wide "Go Play! Get Fit! Youth Day" on July 12, 2007, to help educate children on the importance of healthy eating and physical activity.

On behalf of the City Council join us in celebrating July as Recreation and Parks Month and July 12, 2007 as "Go Play! Get Fit! Youth Day".

Dr. Alan Tuthill, Chair of the Santee Park and Recreation Committee (SPARC), will accept the proclamation.

In addition, Dr. Tuthill will be presenting a check to the City Council in the amount of **\$2,015.64** which reflects the Committee's fund raising activities from July, 2006 through June, 2007.

SPARC's fund raising proceeds are deposited into the Recreation Activity Donation fund and are used to provide recreation program scholarships for disadvantaged youth. SPARC has been fundraising on behalf of the City's recreation programs since FY95-96. The Committee's total contribution is now **\$98,815.05**.

FINANCIAL STATEMENT

Deposit funds into Recreation Activity Fund Account Number 113.03851.

RECOMMENDATION

Approve the proclamation and accept the proceeds from SPARC.

ATTACHMENTS (Listed Below)

Proclamation

City of Santee, California Proclamation

WHEREAS, the parks and recreation profession is dedicated to enhancing the quality of life for millions of residents in communities around the world through recreation programming, leisure activities and conservation efforts; and Creates Community through People, Parks and Programs"

WHEREAS, recreation and parks foster human development by helping young people grow into healthy adults, and by helping adults continue to live longer; and

WHEREAS, childhood obesity is a significant public health concern, the Greater San Diego Recreation & Parks Coalition for Health and Wellness, of which the City of Santee is an member, is working together in San Diego County to provide recreational and educational programs that promote health and wellness by fostering and nurturing healthy lifestyle choices for youth; and

WHEREAS, the Greater San Diego Recreation & Parks Coalition for Health and Wellness is offering a one-day event, "Go Play! Get Fit! Youth Day," on July 12, 2007 at Balboa Park for 1,500 youth day camp participants from Santee and San Diego area agencies; and

WHEREAS, "Go Play! Get Fit! Youth Day" will educate children on the importance of daily healthful eating and physical activity behaviors through each child's participation in health-oriented recreational activities, in a positive and supportive environment.

NOW, THEREFORE, I, Randy Voepel, Mayor of the City of Santee on behalf of the City Council, do hereby set aside July, 2007 as

RECREATION AND PARKS MONTH

and hereby proclaim July 12, 2007 as

GO PLAY! GET FIT! YOUTH DAY

in the City of Santee and urge all residents to enjoy and recognize the social, physical, mental, economic, environmental, and community benefits derived from the wide range of services, facilities, and programs provided by the Community Services Department which provide something of value to everyone.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July, two thousand and seven, and have caused the Official Seal of the City of Santee to be affixed.

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MEETING DATE: June 27, 2007

AGENDA ITEM NO.

ITEM TITLE APPROVAL OF MEETING MINUTES: SANTEE CITY COUNCIL, COMMUNITY DEVELOPMENT COMMISSION AND SANTEE PUBLIC FINANCING AUTHORITY REGULAR MEETING OF JUNE 27, 2007.

DIRECTOR/DEPARTMENT Linda A. Troyan, MMC, City Clerk

SUMMARY

Submitted for your consideration and approval are the minutes of the above meetings.

FINANCIAL STATEMENT N/A

RECOMMENDATION

Approve Minutes

ATTACHMENTS (Listed Below)

Minutes

Minutes





Council Chambers 10601 Magnolia Avenue Santee, California

June 27, 2007

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Mayor/Chairperson/Chair Randy Voepel at 7:04 p.m.

Council Members present were: Mayor/Chairperson/Chair Randy Voepel, Vice Mayor/Vice Chairperson/Vice Chair John W. Minto and Council/Commission/Authority Member and Brian W. Jones. Council Members Jack E. Dale and Hal Ryan were absent.

Staff present were: City Manager/Executive Director/Secretary Keith Till, Deputy City Manager/Director of Development Services Gary Halbert, City/Commission/Authority Attorney Shawn Hagerty, Finance Director/Treasurer Tim McDermott, Director of Community Services John Coates, Director of Fire and Life Safety Mike Rottenberg, Director of Human Resources Jodene Dunphy, Santee Sheriff's Lieutenant Duncan Frasier, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/Secretary, City/ Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/ Deputy Commission Secretary.)

INVOCATION: Pastor Brian Craig, New Heights Community Church

PLEDGE OF ALLEGIANCE: Warren Savage, Chamber of Commerce Director

ADDED PRESENTATION: INTRODUCTION OF MR. HAIMAN IMPERSONATING GEORGE COWLES

Mayor Voepel recognized a special guest, Mr. Haiman, impersonating George Cowles, who gave a brief history of Santee. Mayor Voepel presented Santee's 25th Anniversary book to Mr. Haimna/Cowles.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

Mayor Voepel requested Item 9(A) be heard concurrently with Item 5(A), Item 9(B) be re-ordered to the Consent Calendar, and Item 3(A) be continued to the next meeting when a full Council would be available to hear the item.

- (A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.
- (B) Approval of Meeting Minutes:
 Santee City Council 06-13-07 Regular Meeting
 Community Development Commission 06-13-07 Regular Meeting
 Santee Public Financing Authority 06-13-07 Regular Meeting
- (C) Approval of Payment of Demands as Presented
- (D) Approval of the Expenditure of \$112,517.25 to Pay for May 2007 Legal Services and Related Costs, and Appropriation of Funds.
- (E) Second Reading and Adoption of an Ordinance of the Santee City Council Describing the Program of the Santee Community Redevelopment Commission Regarding the Use of Eminent Domain and Authorizing the Recording of a Revised Statement of Proceedings, as Required by Senate Bills 53 and 1809. (ORD 465)
- (F) Second Reading and Adoption of an Ordinance of the Santee City Council Adding Chapter 5.15 to the Santee Municipal Code Establishing Franchise and PEG Fees and Customer Service Penalties for State Franchise Holders Providing Video Service within the City of Santee. (ORD 466)
- (G) Authorization of Amendment No. 1 in the amount of \$25,000 to San Diego Regional Storm Water Copermittees Memorandum of Understanding to Cover City's Share of the Cost to Develop the Hydromodification Management Plan.
- (H) Rejection of all Bids Received for Enhanced Street Maintenance, CIP 2007-07, and Authorization for Staff to Re-Bid the Project.
- (I) Adoption of Resolution Levying Charges for Fire Suppression Service for Fiscal Year 07-08.

- (J) Approval of Street Light Maintenance Contract Extension for FY 2007-2008 in the Amount of \$51,958 with Southwest Signal Service, Inc and Authorization for the City Manager to Execute Change Orders for Unanticipated Emergency Work up to the Budgeted Amount of 84,900.
- (K) Approval of Traffic Signal and Communication Systems Maintenance Contract Extension with Republic ITS Inc. for FY 2007/2008 in the Amount of \$126,768 with Authorization for the City Manager to Execute Change Orders for Unanticipated Emergency Work up to the Budgeted Amount of 131,500.
- (L) Adoption of Resolution Establishing the Appropriations Limit of \$168,881,653 for FY 2007-2008. (Reso 51-2007)
- (M) Adoption of Resolution Authorizing an Application to the California Energy Commission's Energy Partnership Program for Grant Funds and Authorization for the City Manager to Execute Necessary Related Documents.
- (N) Adoption of Resolution Accepting Public Improvements for the Black Horse Estates Subdivision (TM2000-02). Location: North Side of Rattlesnake Mountain South of the Southerly Terminus of Northcote Road. (Reso 53-2007)
- (O) Review of the 2007 Edward Byrne Memorial Justice Assistance Grant [JAG] Application and Authorization for the City Manager to Submit the Application.
- (P) Authorization to Award a Contract for Ball Field Improvements at Various Santee School District Sites to Mission Valley Landscape Company for an Amount Not to Exceed \$937,990 for Fiscal Year 2007-08 and Authorization for the City Manager to Execute the Contract and to Approve Change Orders up to 5% of the Bid Amount.

Item Re-Ordered to Consent Calendar

- COMMUNITY DEVELOPMENT COMMISSION:
 - (B) Adoption of a Resolution Authorizing the Execution of a Temporary Construction Easement Deed with California Department of Transportation on APN 384-141-12 for the State Highway 52 Construction Project. (Reso CDC 4-2007)

ACTION: On motion of Council Member Jones, seconded by Vice Mayor Minto, the Agenda and Consent Calendar were approved as amended with all voting aye, except Council Members Dale and Ryan who were absent.

2. PUBLIC HEARINGS:

(A) Public Hearing for a Tentative Parcel Map (TMP07-01) and a Development Review Permit (DR07-03) for a Four Lot Subdivision and Construction of Four Single Family Dwelling Units and a Private Road on a 0.83 Acre Site Located on the East Side of Fanita Drive, Approximately 500 Feet South of Prospect Avenue (APN: 368-050-08) in the R2 (Low-Medium Density Residential) Zone. Applicant: Tyree & Vidovich Investments, LLC (Resos: TM 54-2007 & DR 55-2007)

The Public Hearing opened at 7:20 p.m. Associate Planner Rick Brady presented the staff report and answered Council's questions. During discussion, Council requested staff to look into some SDG&E poles that are leaning and may need to be replaced in the vicinity of this project.

Public Speakers: Joel Waymire, Project Engineer, was available for questions.

ACTION: On motion of Council Member Jones, seconded by Vice Mayor Minto, the Public Hearing was closed at 7:32 p.m. and the Resolutions approving Tentative Parcel Map TPM07-01 and Development Review Permit DR07-03 were adopted with all voting aye, except Council Members Dale and Ryan who were absent.

3. ORDINANCES:

(A) Adoption of an Interim Urgency Ordinance of the City Council of the City of Santee Establishing a Moratorium on the Further Establishment of New Bail Bond Offices and the Expansion or Renovation of Existing Bail Bond Offices Pursuant to Government Code Section 65858.

This Item was continued to July 11th during Add/Delete/Re-Order of the Agenda.

4. CITY COUNCIL REPORTS: None

Items 5(A) & 9(A) were heard concurrently.

- 5. CONTINUED BUSINESS:
 - (A) Adoption of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget. (Relates to Item 9A) (Reso 56-2007)
- 9. COMMUNITY DEVELOPMENT COMMISSION:
 - (A) Adoption of the Proposed Fiscal Year 2007-08 and Fiscal Year 2008-09 Budget. (Relates to Item 5A) (Reso CDC 3-2007)

Mayor Voepel noted for the record that he has a conflict of interest regarding employee benefits because his company provides a benefit package to the City of Santee. He further stated that previously when the full Council discussed the employee benefit package he did not participate; he abstained from all of those discussions and decisions. City Attorney Hagerty confirmed that because the Mayor abstained from the portions of the budget specific to his conflict of interest, he is able to vote on the adoption of the full budget.

Finance Director McDermott presented the staff report.

MOTION: It was moved by Vice Mayor Minto to adopt the budget as presented. Council Member Jones seconded the motion.

Mayor Voepel requested an additional \$15,000 be added to the Chamber of Commerce funding level in order to allow them to help promote and market Santee and its businesses at a higher level and assist with the recruitment of a new Executive Director, as Warren Savage will be retiring.

ACTION: Vice Mayor Minto amended his motion to be to adopt the budget as presented with an amended funding level of \$50,000 each year for the Chamber of Commerce. The motion was seconded by Council Member Jones and approved with all voting aye, except Council Members Dale and Ryan who were absent.

- 7. COMMUNICATION FROM THE PUBLIC: None
- 8. **CITY MANAGER REPORTS**: None
- 9. COMMUNITY DEVELOPMENT COMMISSION:

(Note: Minutes appear as Item 1B)

- (A) Item reordered to be heard concurrently with Item 5(A).
- (B) Item reordered to Consent Calendar.
- 10. SANTEE PUBLIC FINANCING AUTHORITY:

(Note: Minutes appear as Item 1B)

12.	CLOSED SESSION:	None
13.	ADJOURNMENT:	
There	being no further business,	the meeting was adjourned at 7:45 p.m.
Date /	Approved:	
	Troyan, Commission Secre	
and fo	or Authority Secretary Keith	Till

11. CITY ATTORNEY REPORTS: None

MEETING DATE July 11, 2007

AGENDA ITEM NO. 1c

ITEM TITLE PAYMENT OF DEMANDS

DIRECTOR/DEPARTMENT Tim K. McDermott/Finance

SUMMARY

A listing of checks that have been disbursed since the last Council meeting is submitted herewith for approval by the City Council.

FINANCIAL STATEMENT

Adequate budgeted funds are available for the payment of demands per the attached listing.

RECOMMENDATION

Approval of the payment of demands as presented.

ATTACHMENTS (Listed Below)

- 1) Payment of Demands-Summary of Checks Issued
- 2) Disbursement Journal

Payment of Demands Summary of Checks Issued

<u>Date_</u> _	<u>Description</u>	Amount
06/20/07	Accounts Payable	\$ 671,482.01
06/27/07	Accounts Payable	373,031.78
07/05/07	Payroll	451,677.50
	TOTAL	\$1,496,191.29

I hereby certify to the best of my knowledge and belief that the foregoing demands listing is correct, just, conforms to the approved budget, and funds are available to pay said demands.

Tim K. McDermott, Director of Finance

MEETING DATE July 11, 2007

AGENDA ITEM NO. 1D

ITEM TITLE

RESOLUTION APPROVING THE FINAL MAP FOR MISSION TRAIL VILLAS (TM 2002-01). LOCATION: 8736 BUSHY HILL DRIVE

DIRECTOR/DEPARTMENT Gary Halbert, Development Services

SUMMARY

This item requests City Council approve the final map for Mission Trail Villas, a 12-unit residential condominium subdivision and the associated Subdivision Improvement Agreement.

On July 24, 2002, City Council approved the application for a 12-unit residential condominium subdivision at 8736 Bushy Hill Drive. Dedications and plan approvals required by Resolution No. 103-2002, the resolution for approval of the tentative map, have been satisfied.

The final map has been checked by the Department of Development Services and found to be technically correct and in substantial conformance with the tentative map, the requirements of Resolution No. 103-2002, the Santee Municipal Code, and the Subdivision Map Act.

ENVIRONMENTAL REVIEW

Environmental review was conducted with the tentative map approval.

FINANCIAL STATEMENT

The City Fee Schedule allows full cost recovery of staff time from fees paid by the developer.

RECOMMENDATION

Adopt the attached Resolution approving the final map.

ATTACHMENTS (Listed Below)

Resolution Vicinity Map

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE APPROVING THE FINAL MAP FOR TENTATIVE MAP 2002-01 (MISSION TRAIL VILLAS)

LOCATION: 8736 BUSHY HILL DRIVE

WHEREAS, on July 24, 2002, City Council approved Resolution No. 103-2002 for the approval of Tentative Map 2002-01, a 12 unit residential condominium subdivision; and

WHEREAS, the developer Mission Trail Villas, LLC has complied with all provisions of the tentative map approval required for recordation of the Final Map; and

WHEREAS, under the direction of the City Engineer the Final Map has been examined and found to be technically correct, in compliance with State law, applicable Municipal Code and in substantial conformance with the approved Tentative Map.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santee does hereby approve the Final Map of Tentative Map 2002-01.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the Director of Development Services to execute the Subdivision Improvement Agreement on their behalf and directs the City Clerk to certify approval of the Final Map and the associated Subdivision Improvement Agreement and certify rejection or acceptance of all dedications and easements as indicated on the Final Map, and directs staff to submit the map to the County Recorder for recordation.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this 11th day of July 2007, by the following vote to wit:

AYES.

	AILO.	
	NOES:	
	ABSENT:	APPROVED:
		RANDY VOEPEL, MAYOR
ATTEST	:	
LINDA A	. TROYAN, CITY CLERK	_

MEETING DATE July 11, 2007 NO. 1E

AGENDA ITEM

ITEM TITLE EXTENSION OF THE CITYWIDE STREET STRIPING AND PAINTING CONTRACT THROUGH FY2007-08 TO C-18, INCORPORATED.

DIRECTOR/DEPARTMENT Gary Halbert, Development Services

SUMMARY

This item requests City Council approve a contract extension and contract amendment with C-18, Inc. for street striping and painting of City streets for FY 2007-08.

The City's street striping and painting contract with C-18, Incorporated of Beaumont, California needs to be extended to cover the upcoming fiscal year 2007-08. This is the first of four annual extensions allowed under the current contract which was awarded by the City Council in September, 2006.

Since the effective date of the current agreement of September 27, 2006, C-18, Incorporated has performed street striping and painting services for the City of Santee in a satisfactory manner.

For fiscal year FY 2007-2008, staff recommends a three percent (3.0%) increase above last year's contract unit prices. This increase is consistent with the increase in the 2006 Consumer Price Index for San Diego County. This contract will allow continued striping and painting of City streets for the upcoming fiscal year. Due to heavy work load within the industry, the contractor has requested an amendment to the contract to change the time period for completion of work orders from 10 calendar days to 15 business days for normal striping needs. This change will help ensure that the contractor completes assigned work on time and in a responsible manner. Staff is supportive of this request since the work being performed has been highly satisfactory.

ENVIRONMENTAL REVIEW

Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 - Class 1 Exemption.

FINANCIAL STATEMENT

Funds are included in the proposed FY2007-2008 Gas Tax Fund budget to cover the contract work.

RECOMMENDATION

Approve the extension of the Citywide Street Striping and Painting contract to C-18, Incorporated up to the available funding and authorize the City Manager to sign the Notice of Extension with an amendment.

<u>ATTACHMENTS</u> (Listed Below)

None.

MEETING DATE July 11, 2007

AGENDA ITEM NO. 1F

<u>ITEM TITLE</u> CLAIMS AGAINST THE CITY BY OWEN COUTURE, MICHAEL VADER, **DARREN JONES & MERCURY INSURANCE GROUP**

DIRECTOR/DEPARTMENTJodene Dunphy, Human Resources Director

SUMMARY

Four separate claims were filed against the City by Owen Couture, Michael Vader, Darren Jones, and the Mercury Insurance Group for damages. All four claims are related and have been reviewed by our Claims Administrator prior to bringing them forward for consideration. The claims are in the process of being tendered to the appropriate agency.

The Claims Administrator recommends the claims be rejected as provided in Government Code Section 913.

The claim documents are on file in the City Clerk's Office for Council reference.

FINANCIAL STATEMENT Sufficient funds for Claims Administration are budgeted in the Risk Management Fund Claims Administration Account.

ACCOUNT NO. 010-0417-002148

RECOMMENDATION

Reject claims as per Government Code Section 913.

ATTACHMENTS (Listed Below)

None

MEETING DATE July, 11, 2007

AGENDA ITEM NO. 1G

<u>ITEM TITLE</u> APPROVAL OF MOBILE DATA COMPUTER EQUIPMENT GRANT FROM SAN DIEGO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES AND APPROPRIATING FUNDS

DIRECTOR/DEPARTMENT Chief Mike Rottenberg, Fire Department

SUMMARY

Fire Administration recently applied for and was awarded a \$12,107 grant from the San Diego Service Authority for Freeway Emergencies (SAFE). The grant will fund 100% of the purchase price of one mobile data computer, accessories, software and 12 months of service.

This computer, combined with ones already received or ready to be purchased from other grant sources, will complete the outfitting of all Fire Department front-line emergency response vehicles.

This grant requires no local matching funds.

FINANCIAL STATEMENT

Appropriate \$12,107 to the Fire Department for mobile data computer equipment.

RECOMMENDATION

Approve

ATTACHMENTS (Listed Below)

July 1, 2007 SAFE transmittal letter and Agreement.

MEETING DATE July 11, 2007

AGENDA ITEM NO. 1H

ITEM TITLE

REPORT AND ACCOUNT OF UNPAID WEED ABATEMENT INVOICES & ESTABLISHMENT OF SPECIAL ASSESSMENTS

DIRECTOR/DEPARTMENT Chief Mike Rottenberg, Fire Department

DISCUSSION

In 2004, the City of Santee entered into an agreement with a private contractor, Fire Prevention Services (FPS) Incorporated, to assist the City with weed abatement services. Beginning in 2005, FPS began identifying properties that contained vegetation hazards and notified property owners in accordance with Chapter 8.48 of the Santee Municipal Code to abate said hazards. As a part of this process, property owners were given a specific date in which they could appeal the declared fire hazard, as well as a date by which their hazard must be abated to avoid administrative costs. None of the affected property owners requested an appeal hearing or paid the invoice, which was sent to them by FPS in fiscal year 2006/2007.

The owners of record of the attached properties either failed to abate the declared hazard by the assigned deadline and owe administrative (late) fees or failed to take any corrective action. It then became necessary for the contractor, after approval by Fire Department staff, to conduct forced abatements at the owners' expense.

The amounts so approved shall become special assessments upon the respective parcels of land and will be paid at the same time and in the same manner as regular municipal taxes.

FINANCIAL STATEMENT

Collection of these special assessments will reimburse the costs of weed abatement.

RECOMMENDATION

In accordance with the Santee Municipal Code, approve the cost report and account of unpaid weed abatement invoices, establish special assessments and file with the County Auditor.

<u>ATTACHMENT</u>

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA APPROVING THE REPORT AND ESTABLISHING A SPECIAL ASSESSMENT ON CERTAIN PARCELS OF LAND THAT WERE SUBJECT TO INVOLUNTARY WEED ABATEMENT AND/OR ADMINISTRATIVE FEES BY THE CITY AND FOR WHICH COSTS HAVE NOT BEEN PAID BY THE OWNER(S) OF RECORD OF SAID PARCELS

WHEREAS, this City has taken a very aggressive stance on the abatement of dry grasses, dead shrubs, rubbish and other dry growing material and have enforced this by inclusion of Chapter 8.48 of the Santee Municipal Code; and

WHEREAS, Section 8.48.080 of above mentioned Code addresses actions that will be taken by the City if an owner of record fails to remove such nuisance; and

WHEREAS, Section 8.48.130 provides for a special assessment on the property to be collected with other municipal taxes which includes an administrative charge; and

WHEREAS, the owner of record of each parcel was notified in writing to clear dry grass, dead shrubs and other dry growing materials from their respective parcel(s) of land; and

WHEREAS, notices were mailed to property owners and no appeals were filed; and

WHEREAS, abatement and/or administrative fees were incurred and an invoice was mailed to the owner of record for payment of abatement services and payment has not been made;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE DOES RESOLVE,

- 1. The weeds, grasses, dead trees, dead shrubs and waste matter located on various parcels of land as set forth in the attached report, constituted a public nuisance and the City has caused said nuisance to be abated in compliance with Santee Municipal Code Chapter 8.48.
- 2. The costs of such abatement and/or administrative costs on the attached report of parcels of land that have not been paid are hereby approved and the same shall become a special assessment upon the respective parcels of land as they are shown upon the last available assessment roll until paid in full.

ADOPTED	by the City C	Council of the C	City of Santee	, California, at a	a regular n	neeting thereof
held this	day of	, 20	07, by the follo	owing roll call vo	ote to wit:	
AYES:						
NOES:						
ABSENT:						
		Α	PPROVED:			
		R	ANDY VOEPE	L, MAYOR		_
ATTEST:						
LINDA A. TROYA	N, MMC, CITY	CLERK				

Attachment: Report

Parcel	Assd Amt	Site Address	Owner	Mailing Address
378 273 10 00	\$1,060.12	10556 Timberlane Way Santee 92071	Hermosillo Joel R	10556 Timberlane Wa
381 361 30 00	\$1,550.72	10988 Collinwood Dr Santee 92071	Ayala Samuel D;Tania A	10988 Collinwood D
381 450 21 00	\$1,076.12	10125 El Poquito Ln Santee 92071	Garcia Genero M	4595 51st S
384 043 01 00	\$1,070.76	10055 Mission Gorge Rd Santee 92071	Tamberly Associates Llc	110 Town Center Pkw
384 091 65 00	\$1,456.98	Mission Gorge Rd Santee	Azizi Shuaib	4343 Viewridge Ave #A
386 070 26 00	\$1,076.12	8209 Mesa Rd Santee 92071	Christ The King Lutheran Church	9225 Carlton Hills Blv
386 111 17 00	\$1,060.12	8039 Rancho Fanita Dr Santee 92071	Schmidt John H 1993 Revocable Trust	8039 Rancho Fanita D
386 153 14 00	\$1,076.12	Fanita Dr Santee	Anderson Richard M	12536 Mapleview S
386 260 19 00	\$1,076.12	8307 Mesa Rd Santee 92071	Fulle Carl N	8307 Mesa Ro
386 360 68 00	\$1,072.42	Dobyns Dr Santee	Pacific Home International	10237 Vista De La Cru:
386 360 69 00	\$1,173.46	Placid View Dr Santee	Hanley Thomas P;Rosemary	7845 Camino Huerta

Total Parcels	11
Total Assmnt	\$12,749.06

MEETING DATE July 11, 2007

AGENDA ITEM NO.2A

ITEM TITLE PUBLIC HEARING FOR A CONDITIONAL USE PERMIT (P06-02) TO ESTABLISH A PERMANENT BIOLOGICAL HABITAT PRESERVE AND PROVIDE FOR A SHORT-TERM SAND MINING OPERATION LOCATED ALONG THE SOUTH SIDE OF THE SAN DIEGO RIVER BETWEEN MAGNOLIA AVENUE AND CUYAMACA STREET AND A TEMPORARY STOCKPILE AREA WEST OF COTTONWOOD AVENUE IN THE P/OS AND TC ZONES (Applicant: County of San Diego & EnviroMINE Inc.)

DIRECTOR/DEPARTMENT Gary Halbert, Development Services

SUMMARY

The "San Diego River Restoration Project-County Edgemoor Property" proposed by the County of San Diego in partnership with EnviroMine Inc., is a Conditional Use Permit (P06-02) to establish a 48.7 acre biological habitat preserve and a temporary sand mining operation. The preserve is located within floodway of the San Diego River between Magnolia Avenue and Cuyamaca Street. The preserve would enhance and create a native riparian woodland that includes, upland scrub, fresh water marsh and a 7.5 acre lake feature for the purpose of establishing a habitat "bank" providing mitigation for development The creation of suitable riparian (wetland) habitat includes an extraction of approximately 540,200 cubic yards of soil to provide wetter soil conditions for wetland plants. The soil extraction includes a temporary stockpile situated within a 29-acre area located north of the river and west of Cottonwood Avenue where there is an existing RCP block storage area. Excavation and plant restoration activities would occur in 5 phases over a 5-year period. The temporary stockpile would be approximately 10 feet high, partially screened by an 8-foot high fence and may be in place for up to 5 years. The project includes construction of a 9-foot wide elevated pedestrian walkway (bridge) across the San Diego River to connect to future trails planned for the north and south side of the river. The project includes the reservation of 20 percent of the riparian wetland bank for exclusive City use for the purpose of providing impact mitigation for City projects.

ENVIRONMENTAL REVIEW A draft Mitigated Negative Declaration (SCH 2006111006, AEIS06-20) dated October 27, 2006 and Final Mitigated Negative Declaration dated June 27, 2007 has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and is recommended for approval.

FINANCIAL STATEMENT Staff costs to process the Conditional Use Permit and Application for Environmental Initial Study (P06-02, AEIS06-20) are paid by application fees of \$4,500.00.

RECOMMENDATION

- 1. Conduct and close public hearing.
- 2. Approve the Final Mitigated Negative Declaration as complete and in compliance with the provisions of the California Environmental Quality Act (CEQA).
- 3. Approve Conditional Use Permit P06-02 per the attached Resolution.

<u>ATTACHMENTS</u> (Listed Below)

Staff Report
Resolution for P06-02
Final Mitigated Negative Declaration/Initial Study
Figures 1 thru 6
Aerial Vicinity Map

STAFF REPORT BIOLOGICAL HABITAT PRESERVE SAN DIEGO RIVER RESTORATION PROJECT-EDGEMOOR PROPERTY CONDITIONAL USE PERMIT P06-02 CITY COUNCIL MEETING JULY 11, 2007

Notice of the availability of the Mitigated Negative Declaration was published in The East County Californian on November 2, 2006 and Notice of the Public Hearing was published in the San Diego Union Tribune on June 28, 2007 and 84 adjoining owners of property within 300 feet of the request and other interested parties were notified by U.S. Mail on June 29, 2007.

A. SITUATION AND FACTS

1.	Requested by	County of San Diego & EnviroMine Inc.
2.	Land Owner	County of San Diego
3.	Type and Purpose of Request	Conditional Use Permit to establish a permanent biological habitat preserve. Wetland creation includes a short-term sand mining and stockpile operation.
4.	Location	Habitat Preserve located within San Diego River floodplain along the south bank between Cuyamaca Street and Magnolia Avenue; Temporary stockpile located on north side of river & west of Cottonwood Avenue.
5.	Site Area	A 48.7 acre biological preserve and 29 acre temporary stock pile area which totals 77.7 acres. (Note: within a greater 104 acre County ownership along the river, there is the 77.7 acre project area subject to the permit and a residual 26.5 acres which would not be subject to the permit. The 26.5 acres that would not be part of the permit is an existing 9 acre Metropolitan Transit Systems (MTS) wetland creation site and 17.5 acres that are not a part of the project impact or preserve because it is existing open water or existing riparian habitat).
6.	Number of lots	Not applicable, Biological Preserve
7.	Number of units	Not applicable, Biological Preserve
8.	Density	Not applicable, Biological Preserve
9.	Hillside Overlay	<u>No</u>
10.	Existing Zoning	P/OS (Park/Open Space), TC (Town Center)
11.	Surrounding Zoning	North: TC (Residential use) South: TC (Office & Residential land use) East: P/OS (easterly drainage of river) R2 (Low Medium Residential -across Magnolia Ave.) R7 (Medium density residential) (east of Cottonwood Ave.) West: TC (Commercial & Residential land use)
12.	General Plan Designation	P/OS (Park/Open Space); TC (Town Center)
13.	Existing Land Use	Undeveloped land and a block storage yard
14.	Surrounding Land Use	North: "Countryside" multi-family residences and Town Center Park (under development)

South: Undeveloped and RiverView Office Park

East: Undeveloped and RCP Block and Brick

Manufacturing plant

West: Developed multi-family and shopping center on

west side of Cuyamaca Street.

15. TerrainSite is flat

16. Environmental StatusFinal Mitigated Negative Declaration (AEIS06-20)

18. Freeway Impact......<u>No</u>

19. Within Redevelopment Area....... Yes

20. Within Airport Influence Area No. Project is outside of the existing Airport Influence

Area of Gillespie Field Airport Land Use Compatibility
Plan.

B. <u>BACKGROUND</u>

Project Description – The "San Diego River Restoration Project-County Edgemoor Property" (P06-02) proposed by the County of San Diego in partnership with EnviroMine Inc. is for a 48.7 acre biological habitat preserve that includes temporary sand mining. Within the TC (Town Center) and P/OS (Park Open Space) zones a Conditional Use Permit is required to establish a Biological Habitat Preserve and temporary sand mining use.

The preserve is located within the floodway of the San Diego River along the south bank between Magnolia Avenue and Cuyamaca Street. The preserve would establish a 48.7 acre riparian habitat comprised of 35.6 acres of wetland habitat creation (20.7 acres riparian woodland, 5.1 acres upland coastal sage scrub, 1.7 acres smooth Tarplant, 0.1 acre freshwater marsh, 0.5 acre trails, and 7.5 acres open water) and 13.1 acres of wetland habitat enhancement work (to improve existing areas of degraded southern cottonwood willow riparian forest). The purpose of the Preserve would be to provide potential wetland mitigation "banking" for future County development projects within the San Diego River watershed.

The creation of suitable soil conditions for riparian (wetland) habitat requires a one-time extraction of approximately 540,200 cubic yards of soil south of the low flow channel of the San Diego River. Excavation and restoration/creation activities would occur in 5 phases over a 5-year period. The extraction work includes a temporary stockpile situated within a 29-acre area located north of the river and west of Cottonwood Avenue where there is an existing block storage yard which is leased from the County by RCP Block & Brick company. The temporary stockpile may be in place for up to 5 years. It would be approximately 10-feet high and partially screened with an 8-foot high chain-link screen fence with green cloth mesh. The stockpile

resource would be used by the existing RCP Block Plant located on the east side of Cottonwood Avenue. Staff understands the County is completing an agreement with RCP Block & Brick company to process the extracted material.

The project includes construction of a 9-foot wide elevated pedestrian walkway (bridge) across the San Diego River to connect to future trails planned for the north and south side of the river.

Draft Multiple Species Conservation Program City of Santee Subarea Plan – The area proposed for the Biological Habitat Preserve is identified in the City's draft MSCP Subarea Plan as a 100% conservation area. Permitted uses include passive recreation (walking/hiking, bird-watching, fishing).

C. ANALYSIS

Land Use Plans – The proposed project is subject to the General Plan Land Use Element P/OS (Park Open Space) designation. This designation is applied to areas with constraints such as floodways and anticipates uses of permanent open space and biological resource protection as well as, on a limited basis, sand extraction operations. The project area is also within the Town Center Specific Plan Area Floodway Open Space designation which anticipates preservation and conservation uses, sand mining uses, as well as low intensity recreational activity such as trails and nature appreciation. The proposed project is consistent with the General Plan and the Town Center Specific Plan because after completion of sand extraction there would be a habitat preserve that includes a pedestrian trail connection providing community access for appreciation of the natural resource.

The City's draft MSCP Plan and the San Diego River Park Concept Plan (2002) anticipate conservation of habitat within the San Diego River floodway. The San Diego River Park Plan prepared by the San Diego River Park Foundation, provides a regional vision for the river corridor from its headwaters to the Pacific Ocean. Within the "Santee Reach" portion of the plan, development guidelines anticipate restoration of habitat and provision of habitat corridors, trail access and water viewing opportunities. The proposed Biological Habitat Preserve is consistent with these plans in that the project's purpose is to restore habitat while providing passive recreational opportunities (trail and bridge crossing).

RiverView Office Park Compatibility – In 2006, the Town Center Specific Plan was amended to provide a master plan for development of the RiverView Office Park. Development of the initial phase of the RiverView Office Park is underway. The RiverView plan highlights the San Diego River as a major thematic element that includes opportunities to view natural wetlands through the development of site amenities such as a riverwalk trail, pedestrian overlooks and a Nature Interpretive Center. The proposed project for a Biological Habitat Preserve furthers this RiverView vision by providing greater wetland habitat, a viewable 7.5 acre open water area and a trail connection with a 9-foot wide pedestrian bridge across the river to link the northern residential neighborhoods to the Office Park development though the riverwalk trail system.

Temporary Sand Mining Compatibility – The project includes creation of wetland habitat that does not currently exist. To provide the proper soil conditions to establish wetland plant species, the existing ground level must be lowered closer to the water table. Approximately 540,200 cubic yards of soil must be excavated through a temporary sand mining process. All sand mining activity is located south of the river channel within the floodway limit. Staff believes the temporary sand mining work would not affect future development phases of the RiverView Office Park because the one-time extraction would be of limited duration (up to a maximum of 5 years), work activity would be kept on site within the floodway, and re-vegetation would commence early in the work phases.

Temporary Stockpile – The project proposes a temporary stockpile located north of the river for a period of 5 years to stage the soils being excavated from the wetland area. The temporary stockpile would be located on the west side of Cottonwood Avenue across from the Countryside condominiums, south of the new Edgemoor facility and southeast of the Town Center Community Park. During the 5-year period, the stockpile material would be utilized by the RCP Block plant and would not be exported. The stockpile would have a maximum height of 10 feet and would include the construction of an 8-foot high chain-link screen fence of green cloth mesh. At the end of 5 years, the stockpile area would be completely restored to its existing state.

To provide assurance that the stockpile is removed within the 5-year period, staff is recommending a condition that, prior to work commencement, a contract to use the stockpile material be established with the RCP Block plant. To allow for some flexibility for unanticipated events, a recommended condition provides for a maximum of two, one-year time extensions.

Staff believes the stockpile use is compatible with neighboring land uses because of the temporary nature and screening of the use, the relatively low height of the stockpile, and the recommended project conditions to ensure a predictable removal of the stockpile and restoration of the site.

Preserve Management – The County anticipates administering the Preserve as a wetland habitat "bank" for the purpose of providing credits to future County projects needing wetland habitat impact mitigation. The recommended project conditions require the long-term management of the preserve by the County and the reservation of 20 percent of the Preserve wetland "credit" for the exclusive use by the City with the City portion adjusted to 10 percent five years after the "bank" is open. Staff believes the managed natural preserve and reservation of credit to the City would provide a long-term community benefit.

Traffic - The project will not add trips to the existing roadway network. Excavated material from the project site will be hauled to the stockpile area for exclusive use by the local Santee Block and Brick plant via an internal haul road and/or along a short portion of Chubb Lane without crossing Magnolia Avenue. Therefore, staff believes the project will not result in a degradation of level of service on major public roadways in relation to the existing traffic volumes and road capacity.

Soils and Grading - A Geotechnical Investigation was prepared for the project which determined that with implementation of the recommendations of the geotechnical engineer, there are no significant impacts associated with grading and construction of the project. In addition, the Floodplain Analysis included a scour analysis to assess impacts to the Magnolia Avenue bridge. The proposed grading and river restoration should have no impact on the stability of the bridge or Cottonwood Avenue where it crosses the river. Staff is recommending a condition to require the County to monitor the effects of scour at the bridge for a period of 10 years and, in the event of scour, provide stabilization.

Drainage and Water Quality - A Floodplain Analysis was prepared for the project to analyze the impacts associated with the project. The floodplain changes associated with the grading will have a net effect of reducing the 100-year flood level within this portion of the San Diego river. The restoration of the river channel with native vegetation that incorporates a 100-foot wide upland vegetation community buffer within the floodway, serve to enhance overall water quality.

D. **ENVIRONMENTAL REVIEW**

A draft Mitigated Negative Declaration (SCH 2006111006, AEIS06-20) dated October 27, 2006 and Final Mitigation Negative Declaration dated June 27, 2007 has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and is recommended for approval. A full discussion of the environmental issues is found in the Final Mitigated Negative Declaration and Initial Study which includes a response to comments received during public review pertaining to biology.

E. <u>ESTIMATED FEES</u>

Development of the proposed project for a Biological Habitat Preserve and short-term sand mining operation is not subject to the payment of Development Impact Fees. Staff costs will be paid through a deposit made by the developer to cover plan check, inspection and administration costs.

F. STAFF RECOMMENDATION

- 1. Conduct and close the public hearing.
- 2. Approve the Final Mitigated Negative Declaration (AEIS06-20) as complete and in compliance with the provisions of the California Environmental Quality Act (CEQA).
- 3. Approve Conditional Use Permit P06-02 per the attached Resolution.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, APPROVING THE APPLICATION OF COUNTY OF SAN DIEGO AND
ENVIROMINE, INC. FOR CONDITIONAL USE PERMIT P06-02 FOR A BIOLOGICAL
HABITAT PRESERVE AND SHORT-TERM SAND MINING IN THE P/OS AND TC ZONES,
LOCATED ALONG THE SOUTH BANK OF THE SAN DIEGO RIVER BETWEEN
CUYAMACA STREET AND MAGNOLIA AVENUE.

APN: 381-160-80; 381-051-12; 381-050-62

- WHEREAS, on September 7, 2006, the County of San Diego in partnership with EnviroMINE Inc. submitted a complete application for Conditional Use Permit P06-02 for the "San Diego River Restoration Project, Edgemoor Property" to create a Biological Habitat Preserve covering the south floodplain area of the San Diego River between Magnolia Avenue and Cuyamaca Street; and
- **WHEREAS**, the 48.7 acre Biological Habitat Preserve includes 20.7 acres of riparian woodland, 5.1 acres of upland coastal sage scrub, 1.7 acres of smooth Tarplant, 0.1 acre of fresh water marsh, 7.5 acres of open freshwater (lake), 0.5 acres of trails, and 13.1 acres of enhancement to degraded riparian habitat, and;
- **WHEREAS**, The creation of suitable riparian (wetland) habitat for the Biological Preserve includes a one-time extraction of approximately 540,200 cubic yards of soil south of the San Diego River and a temporary stockpile situated north of the river along Cottonwood Avenue, and;
- WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study was conducted for Conditional Use Permit P06-02 that determined the potential significant environmental effect for cultural resources, biology and air quality could be mitigated and a Mitigated Negative Declaration (SCH 2006111006) was prepared and advertised for public review from November 2, 2006 to December 2, 2006 and a Final Mitigated Negative Declaration dated June 27, 2007 was prepared in response to comments related to biology received from the Wildlife Agencies during public review period; and
- WHEREAS, in accordance with Public Utilities Code Section 21670, the project was determined to be located outside the Gillespie Field Airport Influence Area and is not subject to a consistency determination by the San Diego County Regional Airport Authority; and
- **WHEREAS**, the Director of Development Services scheduled Conditional Use Permit for public hearing on July 11, 2007; and
- **WHEREAS,** on July 11, 2007 the City Council held a duly advertised public hearing on Conditional Use Permit P06-02; and
- WHEREAS, the City Council considered all recommendations by staff and public testimony.
- **NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Santee, California, after considering the evidence presented at the public hearing, as follows.
- **SECTION 1:** Conditional Use Permit P06-02 will not result in a significant adverse impact upon the environment and a Final Mitigated Negative Declaration (AEIS06-20), dated June 27, 2007, and associated Mitigation Monitoring & Reporting Program attached to the Resolution as Exhibit "A" is hereby approved.
- **SECTION 2:** The findings in accordance with Section 17.06.030 of the Santee Municipal Code for Conditional Use Permit P06-02 are made as follows:

- A. That the proposed use is in accordance with the Santee General Plan, the objectives of the Development Code, and the purpose of the district in which the site is located. The General Plan land use designations and zoning districts for the site are P/OS Park/Open Space and TC Town Center, both of which allow the establishment of a Biological Habitat Preserve and short-term sand mining with Conditional Use Permit approval.
- B. That the proposed Biological Habitat Preserve and attendant sand mining activity, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, because:
 - The Biological Habitat Preserve and lake feature are consistent with the Land Use Element in that the P/OS Land Use Designation anticipates biological resource protection within areas precluded from major development because of land use constraints such as floodways while allowing for sand extraction operations under special conditions, and;
 - 2. The Biological Habitat Preserve and lake feature are consistent with the Land Use Element TC Land Use Designation and the Town Center Specific Plan as the Town Center Land Use Plan anticipates both the establishment of Conservation Areas and Sand Mining within the Floodway/Open Space land use, and;
 - 3. Development of the Habitat Preserve has been designed and located to be compatible with the surrounding neighborhood in the following ways: a) The Preserve includes a trail and pedestrian bridge across the river to connect with the City's planned trail system on the north and south banks; b) The sand mining required to establish the Habitat Preserve is separated from surrounding residential uses and located to the south of the river; c) The height of the temporary stockpile will be kept to a low maximum height to present a lower profile elevation toward existing two-story residential uses on the east side of Cottonwood Drive; d) The temporary stockpile will be provided with a perimeter screen and would not be in place greater than 6 years; e); Measures to minimize noise and traffic impacts to the surrounding community will be implemented for the sand mining activity including, no truck exportation of sand off-site using local roads because sand will be processed by the existing block plant (RCP) adjacent to the site; f) The Habitat Preserve is consistent with the San Diego River Park Concept Plan-Santee Reach guidelines for restoration, habitat corridors, trail access and water viewing; g) The Habitat Preserve is consistent with the City's draft MSCP Subarea Plan to conserve the river habitat in permanent managed open space.
- C. That the proposed use complies with each of the applicable provisions of the Development Code to minimize natural landform alteration, protection of waterways and riparian areas, provision of a natural area available for public education and scientific study and because the use is permitted in the P/OS Park/Open Space and TC Town Center zones with approval of a Conditional Use Permit and the project site has been designed to be consistent with the criteria of Section 17.16.030 of the

Municipal Code, and all proposed private improvements will meet the public works standards of the City.

SECTION 3: The findings for the proposed Interim Take of 0.2 acres of Diegan Coastal Sage Scrub (CSS) habitat in accordance with the Natural Community Conservation Planning Guidelines are made as follows:

A. The proposed habitat loss is consistent with the interim loss criteria in the Conservation Guidelines and with any sub regional plan process established by the region in that:

Finding 1: The habitat loss does not cumulatively exceed the 5 percent guideline.

Pursuant to a letter from the City to the Wildlife Agencies dated March 2, 2006, the City has exhausted its 4d allocation pursuant to the five percent guideline. Losses of CSS associated with this project will be compensated by borrowing Diegan Coastal Sage Scrub (DCSS) credits from the County of San Diego through use of the County's Board Policy I-122 "Use of the County's 5 Percent Allowable Loss of Coastal Sage Scrub by Other Jurisdictions".

Finding 2: The habitat loss will not preclude connectivity between areas of high habitat values.

The San Diego River serves as a regional east-west wildlife corridor. The southern cottonwood-willow riparian forest and the coastal and valley freshwater marsh found at the southern boundary of the study area occur adjacent to the San Diego River and are, therefore, a part of the regional corridor. These drainages serve as wildlife corridors, both locally and regionally. The project will not result in habitat loss that would threaten the role the project site plays as a corridor. Therefore, the loss of 0.2 acre of coastal sage scrub will not preclude connectivity between areas of high habitat value. Further, the project will restore/enhance 5.1 acres of upland habitat as part of the project.

Finding 3: The habitat loss will not prevent the preparation of the City's subregional NCCP (subarea plan).

The proposed project does not preclude or prevent the preparation of the City's proposed draft Multiple Species Conservation Program (MSCP) Subarea Plan because the development footprint is consistent with the City's proposed draft MSCP Preserve Planning Area preservation guidelines for the 100% conservation area.

Finding 4: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with section 4.3 of the NCCP process guidelines.

The habitat loss has been minimized and/or mitigated to the maximum extent practicable by removing 0.2 acre of CSS and mitigating CSS impacts, consistent with Wildlife Agency recommendation, to provide 0.3 acres of CSS onsite through habitat creation/enhancement. The project will restore/enhance 5.1 acres of upland habitat on-site; therefore, the habitat loss will be minimized and mitigated to the maximum extent practicable.

Finding 5: The loss of coastal sage scrub habitat will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.

The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild in that the proposed development area is consistent with the 100% conservation criteria of the City's Draft Preserve Planning Area. Additionally, the project proposes habitat enhancement and restoration and will increase the amount of upland habitat on the project site. Therefore, the project will not reduce the likelihood of the long-term survival and recovery of listed species.

Finding 6: The habitat loss is incidental to otherwise lawful activities.

The project is subject to the approval of a Conditional Use Permit and a Grading Permit issued by the City of Santee. The project, as designed is in conformance with the City's General Plan and Zoning Ordinance.

SECTION 4: The "San Diego River Restoration Project, Edgemoor Property" application for Conditional Use Permit P06-02 for the creation of a Biological Habitat Preserve over a 48.7 acre area consisting of 20.7 acres of riparian woodland, 5.1 acres of upland coastal sage scrub, 1.7 acres of smooth tar plant, 0.1 acre of fresh water marsh, 7.5 acres of open freshwater (lake), 0.5 acres of trails, and 13.1 acres of enhancement to degraded riparian habitat and the site preparation to create wetlands that includes a one-time extraction of approximately 540,200 cubic yards of soil south of the San Diego River and a temporary stockpile situated north of the river for a maximum of 5-years is hereby approved, subject to the following conditions:

- A. The applicant shall comply with all applicable sections of the Municipal Code, Land Development Manual and Public Works Standards of the City of Santee.
- B. All construction shall be in substantial conformance with the site plans and elevations dated June 27, 2006 as amended by this Resolution.
- C. Minor or Major Revisions to the Conditional Use Permit, such as changes to the project schedule or project conditions, shall be approved by the Director of Development Services, unless, in the Director's judgment, a Major Revision should be reviewed by the City Council.
- D. Prior to issuance of a grading permit pursuant to Conditional Use Permit P06-02 the following conditions shall apply to the satisfaction of the Development Services Director:
 - Following project approval the applicant shall schedule with the City Project Planner a post approval meeting to discuss the project conditions of approval, timing of design and construction, and implementation of the project conditions. The meeting shall be scheduled within thirty days of project approval and prior to any plan submittals. The applicant should include their project design team including the project architect, their design engineer and their landscape architect.

- 2. The applicant shall include provisions in their design contract with their design consultants that following approval by the City, all construction drawings or technical reports accepted by the City, exclusive of architectural building plans, shall become the property of the City. Once accepted, these plans may be freely used, copied or distributed by the City to the public or other agencies, as the City may deem appropriate. A letter of acknowledgement of this requirement from each design consultant is required at the time of plan submittal. This letter shall be in a format acceptable to the City Engineer.
- 3. To coordinate with the City Geographic Information System, horizontal and vertical control for all construction drawings, grading plans, landscape plans, street improvement plans, plot plans, etc., shall be obtained from ROS 11252. All plans, exclusive of building plans, shall be prepared at an engineering scale of 1"=20' unless otherwise approved by the project engineer.
- 4. Precise Grading, Erosion Control, Landscape and Irrigation Plans shall be submitted to the Department of Development Services Engineering Division for review and acceptance. The grading plans shall include the following:
 - a. Grading plans shall be revised to show the extension of Chubb Lane perpendicular to the future Cottonwood Avenue. Excavation and planting shall not be shown within the extended Chubb Lane.
 - b. The applicant shall maintain future right of way areas for the extension of Chubb Lane and Cottonwood Avenue clear of sensitive species and habitats.
 - c. According to the Fluvial Modeling for the Upper San Diego River at Edgemoor, prepared by Chang Consultants, the project will not result in an increase in scour depth at the Magnolia Avenue bridge. The applicant shall, upon commencement of grading/mining and then for a period of ten years following the completion of grading/mining, monitor the effects of scour at the bridge and submit an annual report prepared by a registered civil engineer to the Department of Development Services documenting that no scour has occurred (If project duration is extended, then monitoring period to be extended equally). In the event of scour at the bridge, the applicant shall provide adequate stabilization as determined by the City Engineer to eliminate any effect in bridge scour caused by the project.
 - d. The elevated pedestrian walkway shall be constructed to withstand submergence, bouyance and one-hundred year flow velocities. Structural and scour calculations demonstrating the adequacy of the elevated walkway shall be provided to the satisfaction of the City Engineer prior to installation.
 - e. The grading plan shall show a drainage easement dedicated to the City of Santee for maintenance of each drainage outfall anticipated for existing and proposed development. The exact location of said

- easements will be determined as final development plans along the river are approved.
- f. Horizontal and vertical control for <u>all</u> plans shall be obtained from ROS 11252 and shall be prepared at an engineering scale of 1"=20' unless otherwise approved by the City project engineer.
- g. Project landscape and irrigation plans may be included in the grading plan set, numbered sequentially and be completed and accepted with the grading plans. The Landscape/Irrigation Plans shall be prepared by a registered Landscape Architect, for approval by the Director of Development Services. The plans shall be consistent with Section 17.30.020-A of the Santee Zoning Ordinance and shall address the following:
 - A Habitat Restoration Plan (HRP) shall be prepared by the applicant and approved by the City and Wildlife Agencies prior to City approval of a Grading Permit and shall include mitigation requirements for permanent impacts to sensitive plant species. The HRP shall show a schedule for completion of the revegetation and habitat restoration work. Revegetation work shall not be deferred and shall commence immediately upon completion of each phase of excavation
 - 2) Irrigation systems shall be designed to minimize water usage.
 - 3) All permanent irrigation shall be installed underground and shall be automatically controlled.
 - 4) A detailed fencing plan shall be submitted showing the design, location and materials of all fencing, screen-fencing, and retaining walls. Permanent fencing shall be consistent with the established San Diego River trail enhanced split rail fence design. Chain link is limited to stockpile and construction/staging areas and shall use green cloth mesh that is view obscuring.
- h. A note shall be placed on the grading plans stating:
 - 1) An archaeological monitor shall be present on the project site during any cutting activities within the alluvial fill areas associated with project grading. In the event that cultural resources are identified, the archaeologist shall have the authority to divert construction activities until the significance of the resource and appropriate treatment is defined.
 - 2) An archaeologist shall survey the proposed stockpile area. If cultural resources are identified then that area shall be protected from disturbance using geotextile fabric or other suitable means to ensure that no disturbances to the cultural resources would occur. These specific measures shall be implemented to the satisfaction

of the Director of Development Services.

- i. Grading, erosion control, landscape and irrigation plans shall be one hundred percent (100%) complete at the time of plan check submittal, be prepared in accordance with City guidelines and be ready for acceptance by the City. Partial or incomplete submittals will not be accepted for plan check. At the time of plan submittal the applicant shall schedule an appointment with their designated City project engineer and the applicant's design engineer to review the plan submittal for completeness. The following shall be included as part of the grading, erosion control, landscape and irrigation plan submittal package:
 - 1) Six sets of grading, erosion control, landscape and irrigation plans bound and stapled.
 - 2) Plan check fees.
 - 3) A completed grading permit application.
 - 4) A cost estimate for the cost of construction.
 - 5) Three copies of the Drainage Analysis specified here within.
 - 6) Two copies of the Hydraulic Analysis and Fluvial Modeling Study specified here within.
 - 7) Two copies of the Storm Water Management Plan as specified here within.
 - 8) Two copies of the Storm Water Pollution Prevention plan specified here within.
 - 9) A copy of any letters of permission from any adjoining property owners if grading is proposed off-site. Letters shall be in a form acceptable to the City.
 - 10) A letter of acknowledgement, signed and sealed, from each design consultant acknowledging City ownership of all construction drawings following City approval as specified here within.
 - 11) One copy of the Resolution of Approval approving the project.
 - 12) One copy of a project schedule showing the periods for commencement and completion of excavation work.

Plan check, inspection and project administration costs shall be paid in accordance with the City Fee Schedule prior to issuance of the permit.

- 5. Water Quality Control Drainage and Flood Damage Prevention
 - a. Provide three copies of a preliminary drainage study prepared by a registered Civil Engineer, with demonstrated expertise in drainage analysis and experience in fluvial geomorphology and water resources management. Storm drain systems shall be designed to adequately convey storm water runoff from existing and proposed development without damage or flooding of surrounding properties or degradation of water quality.

- b. The drainage study shall identify and calculate storm water runoff quantities expected from the site and upstream of the site and verify the adequacy of all on-site or off-site facilities necessary to discharge this runoff. The drainage system design shall be capable of collecting and conveying all surface water originating within the site, and surface water that may flow onto the site from upstream lands, and shall be in accordance with the latest adopted Master Drainage Plan, the requirements of the City of Santee Public Works Standards, and be based on full development of upstream areas.
- c. Provide two copies of a hydraulic analysis and fluvial modeling study. The study shall analyze the proposed grading using Santee adopted flow rates and include analysis of the 100-year and 10-year frequency storm. The study shall include a certification by a registered civil engineer, which demonstrates that the encroachments shall not result in any increase in the flood elevation during the occurrence of the 10-year and 100-year frequency storm. The study shall demonstrate to the satisfaction of the Director of Development Services that adequate measures are incorporated to stabilize the Magnolia Avenue bridge such that no increase in scour results from the project.
- 6. Water Quality Control Post Construction Storm Water Management Compliance
 - a. Provide two copies of a Storm Water Management Plan (SWMP) as required by the City of Santee Storm Water Management and Discharge Control Ordinance and in accordance with the City of Santee Standard Urban Storm Water Mitigation Plan (SUSMP). A sample SWMP format and SWMP guidelines document is available upon request. All SUSMP requirements developed in the approved SWMP shall be incorporated into the project design.
 - b. Develop and implement appropriate Best Management Practices (BMP's) to ensure to the maximum extent practicable (MEP) that the project does not increase pollutant loads from the site. A combination of respective storm water BMP's, including Site Design, Source Control, and Structural Treatment Control after the pollutants and conditions of concern have been identified shall be implemented in accordance with the approved SUSMP Project Plan. The condition of concerns shall be evaluated from the project's drainage study report.
- 7. Water Quality Control Construction Storm Water Management Compliance
 - a. Provide proof of coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) prior to start of construction. This project disturbs 1 or more acres of soil. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

- b. Provide two copies of a Construction Storm Water Pollution Prevention Plan (SWPPP) as required by the Construction General Permit. The Construction SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The Construction SWPPP must list Best Management Practices (BMP's) the applicant will use to protect storm water runoff and the placement of those BMP's. Section A of the Construction General Permit completely describes the elements that must be contained in a Construction SWPPP.
- 8. Process a Letter of Map Revision (LOMR) with the Federal Emergency Management Association (FEMA). Provide a copy of the LOMR and supporting documents to the City of Santee.
- 9. Applicant shall provide an irrevocable offer of dedication for future extension of Cottonwood Avenue such that the ultimate right-of-way width is 60 feet. Additional right-of-way may be required as necessary to provide adequate transition to match existing improvements.
- 10. Applicant shall provide an irrevocable offer of dedication for right-of-way for the future extension of Chubb Lane to Cottonwood Avenue such that the ultimate right-of-way width is 60 feet. Additional right-of-way may be required as necessary to provide adequate transition to match existing improvements and sight distance.
- 11. Applicant shall dedicate a drainage easements to the satisfaction of the City Engineer for each existing and proposed storm drain outfall for maintenance of the outfall and debris removal, as necessary.
- 12. Applicant shall place a deposit for full cost recovery for the processing of all dedications and easements to the satisfaction of the City Engineer.
- 13. The applicant shall comply at all times with the following work hour requirements:
 - a) No site work, building construction, or related activities, including equipment mobilization will be permitted to start on the project prior to 7:00 am and all work for the day shall be completed by 7:00 pm, no exceptions.
 - b) No work is permitted on Sundays or City Holidays.
 - c) No deliveries, including equipment drop off and pick-up, shall be made to the project except between the hours of 8:30 am and 3:30 pm, Monday through Saturday, excluding Sundays and City Holidays. Deliveries of

- emergency supplies or equipment necessary to secure the site or protect the public are permitted.
- d) If the applicant fails or is unable to enforce compliance with their contractors, subcontractors and material suppliers regarding the specified work hours, additional reduction of work hours may be imposed by the Department of Development Services or administrative fines may be imposed for repeated violations.
- e) In addition to the above the applicant shall erect one or more signs stating the work hour restrictions. Signs shall be installed as may be required, in the vicinity of the project construction trailer if a job site trailer is used, or at such other locations as may be deemed appropriate by the Department of Development Services. The sign shall be a minimum of 24" x 36" and shall be weather proofed. The sign content shall be provided by the Department of Development Services.
- 14. Prior to issuance of a Grading Permit, evidence shall be provided to the satisfaction of the Director of Development Services as deemed acceptable by the wildlife agencies that biological mitigation measures *Bio-1 thru Bio-4*, *Bio-10*, *Bio-19*, *Bio-21 and Bio-22*, for pre-construction surveys have been met as identified in the Mitigation Monitoring & Reporting Program that is attached to the Resolution of Approval as Exhibit A.
- 15. Prior to issuance of a Grading Permit, evidence shall be provided to the satisfaction of the Director of Development Services as deemed acceptable by the Wildlife Agencies that impacts to Coastal Sage Scrub, Non-native Grassland, Southern Cottonwood Willow Riparian Forest vegetation, and freshwater marsh are accounted for in the Biological Habitat Preserve Restoration Plan.
- 16. Prior to issuance of a Grading Permit, evidence shall be provided to the satisfaction of the Director of Development Services that, if needed, application is made with the California Department of Fish and Game for a Streambed Alteration Agreement in accordance with Section 1600 of the Fish and Game Code and approval of the agreement is obtained.
- 17. Prior to issuance of a Grading Permit, the Applicant shall apply to the U.S. Army Corps of Engineers (Corps) for a Section 404 Nation-wide Permit in accordance with the federal Clean Water Act and shall obtain Corps approval of the permit.
- 18. Prior to issuance of a Grading Permit, the Applicant shall apply to the Regional Water Quality Control Board (RWQCB) for a Section 401 Water Quality Certification in accordance with the Clean Water Act. The Applicant shall obtain Certification from the RWQCB prior to the issuance of a Grading Permit
- 19. Prior to issuance of a Grading Permit, the Applicant shall provide a copy of the contract with their grading contractor for processing of the temporary stockpile showing the use of all temporary stockpile material within 5 years from the

issuance of a Grading Permit. The Director of Development Services may extend the 5 year deadline for stockpile removal annually for a period not to exceed two additional years if in the opinion of the Director such time extension is warranted.

- 20. Prior to issuance of a Grading Permit, the Applicant shall provide securities in an amount and form to the satisfaction of the City Engineer to guarantee the following:
 - a. Complete site re-vegetation pursuant to the Habitat Restoration Plan.
 - b. Secure removal of the temporary stockpile and restoration of the stockpile area to pre-project conditions.
 - c. Completion of the on-site trail and pedestrian bridge within 5-years from the date of issuance of the Grading Permit.
 - d. Secure erosion control and best management practices required during grading.
- 21. Prior to issuance of a Grading Permit, the Applicant shall implement measures to stabilize the Magnolia Avenue bridge, if necessary.
- 22. Prior to issuance of a Grading Permit, evidence shall be provided to the satisfaction of the Director of Development Services that there is a 1.7 acre portion of the preserve set aside for Tarplant mitigation.
- E. Upon issuance of a Grading Permit pursuant to Conditional Use Permit P06-02, subject to the satisfaction of the Director of Development Services, the following conditions shall be met:
 - 1. Hauling of excavation materials shall be restricted to the existing haul road that crosses the river at Chubb Lane for transport to the stockpile area. There shall be no export of excavation material off-site on City streets.
 - 2. Material deposited in the temporary stockpile shall be processed and used locally within Santee.
 - 3. The applicant shall provide an annual progress report to the Director of Development Services on or before the inaugural date of issuance of the Grading Permit.
 - 4. All ground-mounted, mechanical and electrical equipment, such as pump motors, shall be screened from view of adjacent streets and properties. All plans submitted for building plan check shall show method of screening for any proposed mechanical equipment.

- 5. All site lighting shall be consistent with the Municipal Code requirements for light trespass.
- 6. In the event the Tarplant mitigation site is established prior to the issuance of a Grading Permit, the Tarplant area shall be protected by a minimum 10-foot construction buffer and fencing that clearly delineates the area to be avoided.

F. Prior to Release of Securities and prior to acceptance of public improvements established pursuant to Conditional Use Permit P06-02, the following conditions shall be met:

- 1. Complete all improvements shown on the approved plans to the satisfaction of the Director of Development Services.
- 2. Excavation machinery and systems shall be removed from the project site.
- 3. The temporary stockpile shall be removed and the stockpile site restored to preproject conditions within 5 years after the issuance of a Grading Permit.
- 4. Dedicate an easement for public access over the on-site trail and pedestrian bridge.
- 5. A conservation easement shall be recorded, subject to the approval of the Director of Development Services, over the 48.7 acre Biological Habitat Preserve area in favor of the City and the Wildlife Agencies and reserving a public pedestrian access easement to the City of Santee substantially as shown on the plans (also refer to Condition 6, below). The requirement to record a Conservation Easement over the Preserve shall not preclude the recordation of a Conservation Easement for 1.7 acres of Smooth Tarplant establishment in accordance with the Smooth Tarplant Translocation Plan (Helix, October 2006).
- 6. A Habitat Management Plan and Management and Funding Agreement for the long-term management of the Biological Habitat Preserve shall be completed subject to the approval of the Director of Development Services in consultation with the Wildlife Agencies that includes provision for public access over the onsite trail and pedestrian bridge and provides for trail and bridge maintenance in perpetuity.
- 7. An agreement with the City shall be completed that reserves an initial 20 percent portion of the riparian wetland bank credits (the percentage based on final Wildlife Agency-approved credits for this habitat type) exclusively to the City for providing wetland impact mitigation for potential future projects at the City's discretion. The initial 20 percent shall be reduced to 10 percent if not used by the City during the first 5 year period after Wildlife Agency approval of credits.
- G. Upon certification by the Director of Development Services for establishment of the use allowed by Conditional Use Permit P06-02, the following conditions shall apply:

- 1. The Biological Habitat Preserve shall be maintained in accord with the Habitat Management Plan.
- 2. The Director of Development Services may grant changes to the schedule of activities or conditions through a Minor Revision if it can be shown that the change will not significantly delay completion of the project.

SECTION 5: The terms and conditions of this Conditional Use Permit (P06-02) approval shall be binding upon the permittee and all persons, firms and corporations having an interest in the property subject to this Conditional Use Permit and the heirs, executors, administrators, successors and assigns of each of them, including municipal corporations, public agencies and districts.

SECTION 6: Pursuant to Government Code Section 66020, the 90 day approval period in which the applicant may protest the imposition of any fees, dedications, reservations, or exactions imposed pursuant to this approval, shall begin on July 11, 2007.

SECTION 7: The applicant shall defend (with counsel of City's choice, subject to reasonable approval by the applicant) the City of Santee and its officers, employees and agents from any claim, action, or proceeding against the City and/or its officers, employees or agents to attack, or set aside, void, or annul the approval of the City of Santee concerning this Resolution or any action relating to or arising out of its approval, and further agrees to indemnify and hold harmless from all costs and expenses (including attorney's fees) associated with any such defense.

SECTION 8: This Conditional Use Permit (P06-02) expires on July 11, 2010 except where substantial use has commenced prior to its expiration. If use of the development has not commenced within the three-year period, said expiration date may be extended pursuant to a request for time extension received 60 days prior to the original expiration date. The City Council expressly grants to the Director of Development Services the authority to extend the expiration date of this approval pursuant to Section 17.04.090.B of the Santee Municipal Code, when a request for an extension is filed 60 days prior to the original expiration date.

thereof held this 11th day of July, 2007, by the following roll call vote to wit:		
AYES:		
NOES:		
ABSENT:		
	APPROVED:	
	RANDY VOEPEL, MAYOR	
ATTEST:		
LINDA A. TROYAN, CITY CLERK	_	
Attachments: Exhibit A – Mitigation Monitoring & Repo	orting Program	
D.	EXHIBIT A	

ADOPTED by the City Council of the City of Santee, California, at a regular meeting

MITIGATION MONITORING and REPORTING PROGRAM
FOR THE SAN DIEGO RIVER RESTORATION PROJECT- EDGEMOOR PROPERTY
(P06-02)
(AEIS 06-20)

Section 21081.6 of the Public Resources Code requires that public agencies "adopt a reporting or monitoring program for the changes which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designated to ensure compliance with during project implementation." This mitigation monitoring program has been prepared in conformance with Section 21081.6 of the Public Resources Code.

Non-compliance with any of these conditions, as identified by City staff or a designated monitor, shall result in the issuance of a Cease and Desist Order for all construction activities. The order shall remain in effect until

compliance is assured. Non-compliance situations that may occur subsequent to project construction will be addressed on a case-by-case basis and may be subject to penalties according to the City of Santee Municipal Code. When phasing of development has been established, it may be necessary for this Monitoring Program to be amended, with City approval.

BIOLOGY			
Bio-1 . The construction contractor shall be informed of all biological constraints for the proposed project prior to its initiation. The contractor shall be responsible for all construction related impacts to sensitive biological resources outside those identified in the Biological Technical Report.	Grading	Development.	Developme
	Permit	Services	Services
Bio-2 . All sensitive habitat areas to be avoided shall be clearly designated on project maps provided to the contractor. These areas will be designated as "no construction" zones. In addition, a qualified biologist will visit the proposed project site prior to the onset of construction activities and flag all sensitive habitat areas to be avoided. The contractor will then flag the area of disturbance, which will be subject to approval by the biologist. The biologist will also evaluate the site to determine if additional fencing or other protection is required to shield biological resources from direct and/or indirect impacts.	Grading	Development.	Developme
	Permit	Services	Services
Bio-3. A qualified biologist shall monitor the installation of erosion control devices to ensure that they are installed properly and that no sensitive biological resources (outside the disturbance limits) are compromised during their installation.	Grading	Development.	Developme
	Permit	Services	Services
Bio-4. The construction contractor shall monitor erosion control devices to ensure that they remain intact. Subsequent corrective measures shall be made when needed.	Grading	Development.	Developme
	Permit	Services	. Services
Bio-5. Access to the proposed project site shall be provided via a route that avoids known populations of listed or sensitive plant species.	Grading	Development.	Developme
	Permit	Services	Services
Bio-6. Vehicles shall remain on designated access roads at all times.	Grading	Development.	Developme
	Permit	Services	Services
Bio-7. No activities shall occur within drainages and wetlands outside of the construction zone.	Grading	Development.	Developme
	Permit	Services	Services

Bio-8 . The construction contractor shall check all equipment for leaks prior to operation and shall repair the equipment as needed. Fueling of construction equipment shall take place in "fueling zones". "Fueling Zones" shall be designated on construction maps. A qualified biologist shall flag the limits of the "fueling zones" and shall evaluate the proposed fueling areas. These "fueling zones" shall be located at least 50 feet (15.2 meters) from all wetlands.	Grading	Development.	Developme
	Permit	Services	Services
Bio-9 . To the degree feasible, project staging areas shall occur within the proposed stockpile area. If the location of this staging area changes, a qualified biologist shall evaluate the areas for sensitive biological resources prior to their use	Grading	Development.	Developme
	Permit	Services	Services
Bio-10 . No more than one week prior to construction initiation, a qualified biologist shall conduct a migratory bird/raptor nest survey within the biological survey area (the proposed project site and a 500-foot [152.4-meter] buffer around the site for raptors) to ensure that no active nests are located within or adjacent to the proposed project area. Nesting season for raptors begins February 15 and the traditional breeding season for migratory birds begins March 15. If clearing starts after October, there is no need for nesting bird surveys.	Grading	Development.	Developme
	Permit	Services	Services
Bio-11. If sensitive species are detected, appropriate mitigation measures must be implemented to offset any potential impacts to the species and their habitat. If least Bell's vireo (LBV) is detected, the construction shall take place outside of the traditional breeding season (March 15 to September 15), or earthen berms or other sound attenuation shall be constructed to reduce construction noise to levels below 60 Dba and noise levels will be monitored at the edge of the adjacent vireo habitat. If nesting raptors are detected, a 500-foot buffer around the nest shall be implemented (as determined by a qualified biologist and in accordance with the requirements of the California Department of Fish and Game Code) and the nest area avoided until after the young have fledged and the nest no longer in use. The project applicant shall consult with the appropriate regulatory agency to further discuss mitigation measures if other sensitive species are detected.	Grading	Development.	Developme
	Permit	Services	Services
Bio-12. A Revegetation Plan shall be submitted to the City of Santee. The Plan shall be subject to review and approval by the Director of Development Services and the Wildlife Agencies prior to issuance of a grading permit.	Grading	Development.	Developme
	Permit	Services	Services
Bio-13. All revegetation areas shall be planted with species naturally occurring in the area and shall include upland, wetland, and erosion control components.	Grading	Development.	Developme
	Permit	Services	Services
Bio-14. Revegetation efforts shall be directed at restoring the area to pre-project conditions with equivalent or better habitat values for listed species.	Grading	Development.	Developme
	Permit	Services	Services
Bio-15. Only native California plant species found in the project area shall be used for the revegetation of the project site. Invasive, exotic weed, or nonnative species identified in the State of California Noxious Weed Species List or the California Exotic Pest Plant Council Exotic Pest Plants of Greater Ecological Concern in California List shall not be used in the landscaping design for the revegetation efforts.	Grading	Development.	Developme
	Permit	Services	Services
Bio-16. Seeds, cuttings, and potted plants shall be collected from local plant material as appropriate, supplemented by material from native plant nurseries. The seed vendor shall furnish certification that the seed has been tested for purity by a certified seed laboratory and does not contain	Grading	Development.	Developme
	Permit	Services	Services

seed of any nonnative, invasive species and has been inspected for the presence of argentine ants. Stocks infested with the argentine ant shall not be used.			
Bio-17. All mulches used as part of the project construction or revegetation activities shall be free from invasive species seed.	Grading	Development.	Developme
	Permit	Services	Services
Bio-18. Revegetated areas shall be subject to maintenance during plant establishment (i.e., nonnative species removal).	Grading	Development.	Developme
	Permit	Services	Services
Bio-19 . Prior to stockpiling, a biologist shall mark the limits of any native vegetation within the stockpile area with temporary flagging. The flagged area shall be avoided during the course of stockpiling activities. Impacts to Non-Native Grassland shall be determined prior to stockpiling activity.	Grading	Development.	Developme
	Permit	Services	Services
Bio-20 . Areas temporarily impacted due to stockpile operations shall be revegetated via hydroseeding at the completion of stockpile activities.	Grading	Development.	Developme
	Permit	Services	Services
Bio-21. Pre-construction clearance surveys for western burrowing owl must be conducted no more than three days prior to vegetation removal within the proposed excavation area, or before placement of material within the proposed stockpile area. If active nests are identified during the clearance surveys, then the burrow shall be avoided until the nesting event is complete and the juveniles can survive independently from the burrow. The biologist shall flag the nesting vegetation and establish a 75-meter buffer (e.g., construction fencing) around the burrow. If disturbance occurs during the non-nesting season, then prior to disturbing the burrow the monitoring biologist shall confirm that no owls are in the burrow (passive relocation, followed by destroying the burrow to ensure that the owl does not re-occupy).	Grading	Development.	Developme
	Permit	Services	Services
Bio-22. Prior to project implementation, a focused survey for smooth tarplant shall be conducted in the appropriate season. The survey shall occur in the year that project grading is proposed. The survey shall cover both the proposed excavation area as well as the proposed stockpile area. If smooth tarplant are found to occur on the project site during subsequent focused survey, a Habitat Management/Translocation Plan shall be prepared by the project applicant prior to the issuance of a grading permit. The Plan will identify the manner by which soil and seed stock shall be collected and relocated to an area within the project site. The Plan will be subject to review and approval by the Wildlife Agencies prior ro the issuance of a grading permit. The transplant site shall be maintained and monitored for a minimum of three years. The collection of seed materials shall be coordinated with the California Department of Fish and Game.	Grading	Development.	Developme
	Permit	Services	Services
Bio-23 The applicant shall prepare a five year construction monitoring plan and assure long term maintenance program consistent with the draft Subarea Plan to the satisfaction of the City Planning Director and Wildlife Agencies.	Grading Permit	Development. Services	Developmen Services
CULTURAL			
Cult-1 . An archaeological monitor shall be present on the project site during any cutting activities within the alluvial fill areas associated with project grading. In the event that cultural resources are identified, the archaeologist shall have the authority to divert construction activities until the significance of the resource and appropriate treatment is defined.	Grading	Development.	Developme
	Permit	Services	. Services
Cult-2. An archaeologist shall survey the proposed stockpile area. If cultural resources are identified then that area shall be protected from			

disturbance using geotextile fabric or other suitable means to ensure that no disturbances to the cultural resources would occur. These specific measures will be implemented to the satisfaction of the Director of Development Services.			
AIR QUALITY			
Air-1. Use best available control measures during grading. The menu of enhanced dust control measures includes the following: - Limit the disturbance "footprint" to as small an area as practical. - Water all active construction areas at least twice daily. - Cover all off-site haul trucks or maintain at least 2 feet of freeboard. - Pave or apply water four times daily to all unpaved parking or staging areas. - Sweep or wash any site access points within 30 minutes of any visible dirt deposition on any public roadway. - Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material until a wind resistant crust is established. - Suspend all operations on any unpaved surface if winds exceed 25 mph. - Hydroseed or otherwise stabilize any cleared area which is to remain inactive for more than 96 hours after clearing is completed. Air-2. Require 90-day low-NOx tune-ups for off-road equipment. Air-3. Limit allowable idling to 5 minutes for haul trucks and heavy equipment before shutting the equipment down.	Grading Permit	Development. Services	Developme . Services

MEETING DATE July 11, 2007

AGENDA ITEM NO. 3A

ITEM TITLE AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE FURTHER ESTABLISHMENT OF NEW BAIL BOND OFFICES AND THE EXPANSION OR RENOVATION OF EXISTING BAIL BOND OFFICES PURSUANT TO GOVERNMENT CODE SECTION 65858.

DIRECTOR/DEPARTMENT: Gary Halbert, Development Services

SUMMARY

On June 13, 2007, the City Council received a report from the Department of Development Services on a work program. Included in the program is research on bail bond establishments and an assessment of regulations of this use. At the meeting the City Council gave direction to staff to return with an Ordinance on the next agenda to adopt an interim ordinance as an urgency measure.

This Ordinance shall be effective immediately upon adoption if adopted by at least a four-fifths (4/5ths) vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided in Government Code section 65858.

As such, this interim ordinance will establish a 45-day moratorium on the approval or issuance of any building permit, business license or any other applicable entitlement for the expansion, renovation or establishment of new bail bond offices.

The interim ordinance also directs staff to research the regulation of bail bond establishments, and will give staff time to coordinate with law enforcement and to return with an Ordinance that addresses regulation of such uses, as appropriate.

FINANCIAL STATEMENT Not applicable; covered by the Department's budget.

RECOMMENDATION Adopt Interim Urgency Ordinance

ATTACHMENTS

City Attorney Memo Interim Urgency Ordinance

ORDINANCE NO.	

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE FURTHER ESTABLISHMENT OF NEW BAIL BOND OFFICES AND THE EXPANSION OR RENOVATION OF EXISTING BAIL BOND OFFICES PURSUANT TO GOVERNMENT CODE SECTION 65858

WHEREAS Section 17.12.030 of the City of Santee Municipal Code allows bail bond offices as a permitted use within the General Commercial (GC) and Office Professional (OP) zones; and

WHEREAS the City is authorized pursuant to Insurance Code section 1800.6 to enact regulations governing bail bond businesses that are not in conflict with the provisions of Division 1, Part 2, Chapter 7 of the Insurance Code; and

WHEREAS the City of Santee ("City") is authorized pursuant to Government Code section 65858 to adopt an interim ordinance as an urgency measure prohibiting uses that may be in conflict with a contemplated zoning proposal that the City Council of the City intends to study within a reasonable time; and

WHEREAS the City Council of the City has made the required findings pursuant to Government Code section 65858 that there is a current and immediate threat to the public health, safety, or welfare and that the approval of additional building permits or other applicable entitlements for the establishment of new bail bond offices or the expansion or renovation of existing bail bond offices as required by the City's zoning ordinance would result in that threat to the public health, safety or welfare.

THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

<u>Section 1.</u> This Ordinance shall be adopted as an Urgency Ordinance and shall take effect immediately. The recitals above are found to be true and are incorporated herein.

<u>Section 2.</u> The purpose of this interim Urgency Ordinance is to establish a forty-five (45) day moratorium on the approval or issuance of any building permit, business license or other applicable entitlement for the establishment of any new bail bond office or the expansion or renovation of any existing bail bond office in the City for the immediate preservation of the public health, safety, and welfare.

Section 3. The City Council hereby finds and determines as follows:

- 1. To address community concerns regarding the further establishment and/ or expansion or renovation of bail bonds offices within the City with respect to the compatibility of such uses with adjoining uses, it is necessary for the City to study the potential impacts such uses may have on the public health, safety, and welfare.
- 2. Based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements providing for the establishment and/or expansion or renovation of bail bond offices, prior to the completion of the City's study of the potential impacts of such uses, poses a current and immediate threat to the public heath, safety and

welfare and that therefore a temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary.

- <u>Section 4.</u> The City Council hereby enacts this interim Urgency Ordinance by not less than a four-fifths (4/5ths) vote and in light of the findings set forth in Section 3 hereof, under the authority granted to it by Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code.
- <u>Section 5.</u> The City Council hereby directs City staff to consider and study possible means of regulating bail bonds offices, including further zoning regulations or other regulations.
- <u>Section 6.</u> The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15060(c)(3) of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3), because it is not a project as defined in Section 15368 thereof, because it has no potential to result in physical change to the environment, directly or indirectly.
- <u>Section 7.</u> If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.
- <u>Section 8.</u> This Ordinance shall be effective immediately upon adoption if adopted by at least a four-fifths (4/5ths) vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided in Government Code section 65858.
- **Section 9.** The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation in the City of Santee, California.

INTRODUCED AND ADOPTED at a Regular Meeting of the City Council of the City of Santee, California, on the 11 th day of July 2007, by the following vote to wit:	F
AYES:	
NOES:	
ABSENT:	
APPROVED	
RANDY VOEPEL, MAYOR	
ATTEST	
LINDA A. TROYAN, MMC, CITY CLERK	

MEETING DATE July 11, 2007

AGENDA ITEM NO. 3B

ITEM TITLE

RESOLUTION OF INTENTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTEE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ADOPTING THE INDEXED LEVEL OF 1959 SURVIVOR BENEFITS FOR LOCAL SAFETY MEMBERS

DIRECTOR/DEPARTMENT

Jodene Dunphy, Human Resources Director

SUMMARY

On July 1, 2007, the Santee Firefighters' Association entered into a two-year agreement with the City of Santee. The duration of the agreement is July 1, 2007 through June 30, 2009. One of the negotiated benefits approved and included in the agreement is the CalPERS Indexed Level 1959 Survivor Benefit.

The required steps of implementing this benefit under the Public Employees' Retirement Law include adoption by the Santee City Council of a resolution giving notice of intention to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City of Santee, and adoption of an ordinance which amends the contract between the Board of Administration of the Public Employees' Retirement System and the City of Santee.

FINANCIAL STATEMENT

The current contract between the City of Santee and the Board of Administration of the Public Employees' Retirement System for local safety employees provides for the 3rd Level 1959 Survivor Benefit. The cost to amend the contract to provide for the Indexed Level 1959 Survivor Benefits will result in an increase of \$15,307 per year for the first five years of the benefit. Thereafter, the employer normal cost rate is \$4.60 per month, per covered member. In addition, members covered by the 1959 Survivor Benefits contribute \$2.00 per month.

RECOMMENDATION

- 1) Adopt the Resolution of Intention
- 2) Approve the First Reading of the Ordinance

<u>ATTACHMENTS</u> (Listed Below)

Resolution Ordinance

Exhibit from CalPERS (Draft Amendment to Contract)

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF SANTEE

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local safety members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Santee does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto as an "Exhibit" and by this reference made a part hereof.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this 11^h day of July, 2007, by the following roll call vote to wit:

LINDA TROYAN, CITY CLERK	
ATTEST:	RANDY VOEPEL, MAYOR
	APPROVED:
ABSENT:	
ABSTAIN:	
NOES:	
AYES:	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTEE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ADOPTING THE INDEXED LEVEL OF 1959 SURVIVOR BENEFITS FOR LOCAL SAFETY MEMBERS

WHEREAS the City of Santee participates in the California Public Employees' Retirement System; and

WHEREAS, the City of Santee may at times elect to amend its contract with the California Public Employees' Retirement System.

The City Council of the City of Santee, California, does ordain as follows:

Section 1.

That an amendment to the contract between the City Council of the City of Santee and the Board of Administration, California Public Employees' Retirement System adopting the Indexed Level of 1959 Survivor Benefits for local safety members is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit", and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the Santee City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 3.

.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the East County Californian, a newspaper of general circulation published and circulated in the County of San Diego, and thenceforth and thereafter the same shall be in full force and effect.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, held on the 11th day of July; and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 8th day of August; by the following vote to wit:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	APPROVED:
ATTEST:	RANDY VOEPEL, MAYOR
LINDA TROYAN, CITY CLERK	





California
Public Employees' Retirement System



Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Santee

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 31, 1981, and witnessed November 9, 1981, and as amended effective July 1, 1983, April 8, 1985, November 8, 1990, July 10, 1992, October 24, 1992, February 8, 1997, November 28, 2000, November 7, 2002 and September 21, 2006 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective September 21, 2006, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
 - 1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.
 - 2. Public Agency shall participate in the Public Employees' Retirement System from and after December 31, 1981 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - Local Fire Fighters (herein referred to as local safety members);
 - b. Employees other than local safety members (herein referred to as local miscellaneous members).
- 4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

a. POLICE OFFICERS.

- 5. This contract shall be a continuation of the benefits of the contract of the Santee Fire Protection District, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on April 8, 1985. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.
- 6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after November 7, 2002 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
- 7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after November 7, 2002 and not on or after September 21, 2006 shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
- 8. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after September 21, 2006 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
- 9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- 10. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20965 (Credit for Unused Sick Leave) for local safety members only.
 - d. Section 20042 (One-Year Final Compensation).
 - e. Section 21024 (Military Service Credit as Public Service).
 - f. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local safety members only.
- 11. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
- 12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 13. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

- c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
- d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

	111	
B.	This amendment shall be effective on the _	, day of,,
	RD OF ADMINISTRATION LIC EMPLOYEES RETIREMENT SYSTEM	CITY COUNCIL CITY OF SANTEE
BY_	MCGARTLAND, CHIEF	BY
EMPI PUBL	OYER SERVICES DIVISION LIC EMPLOYEES' RETIREMENT SYSTEM	T CIGN "TOLK
		Witness Date
	**	Aftest:
AMEND	MICHT FD# 4200	Clerk

PERS-CON-702A (Rev. 10\05)

MEETING DATE July 11, 2007

AGENDA ITEM NO. 4A

ITEM TITLE CHARTER ADVISORY COMMITTEE APPOINTMENTS

DIRECTOR/DEPARTMENTMayor Randy Voepel, Charter City Review Subcommittee
Vice Mayor John W. Minto, Charter City Review Subcommittee

SUMMARY

The Council Subcommittee on Charter City Review has interviewed applicants and requests City Council approval of the following nominees.

William Howell Tom Lemmon Karen Bisignano Arnold Winston Rob McNelis Warren Savage Maria Lenhoff Marilyn Linn

In addition, we are asking for approval of two applicants to serve as alternate members.

James Montague Richard Emerick

FINANCIAL STATEMENT

City Council has authorized the expenditure of general fund monies up to \$45,000 for Charter City review. Most of the expenditures related to this initial activity will be for legal services and advertising expenses.

RECOMMENDATION

Approve the Subcommittee nominations for a Charter Advisory Committee and two alternates listed in the above summary.

<u>ATTACHMENTS</u> (Listed Below)

None.

MEETING DATE

JULY 11, 2007

AGENDA ITEM NO. 5A

<u>ITEM TITLE</u>

PARKS AND RECREATION MASTER PLAN UPDATE

DIRECTOR/DEPARTMENT

John W. Coates, Community Services

SUMMARY

The City of Santee Parks and Recreation Facilities Master Plan was adopted by the City Council in November 1988. The Santee General Plan 2020 recommends that the Parks and Recreation Facilities Master Plan be updated.

Over the past several months, the Community Services Department has been working with the planning firm of Wallace, Roberts and Todd to update the Master Plan.

Tonight, staff will be presenting to the City Council a status report on the Parks and Recreation Master Plan.

FINANCIAL STATEMENT

N/A

RECOMMENDATION

N/A

ATTACHMENTS (Listed Below)

None

MEETING DATE

July 11, 2007

AGENDA ITEM NO.9A

ITEM TITLE

APPROPRIATION OF FUNDS FOR REIMBURSEMENT TO LOWE'S HIW, INC. FOR TRAFFIC SIGNAL IMPROVEMENTS (P 99-11). LOCATION: 9416 MISSION GORGE ROAD.

DIRECTOR/DEPARTMENT

Gary Halbert, Development Services

SUMMARY

This item requests the Community Development Commission appropriate funds for reimbursement of traffic signal improvements on Mission Gorge Road constructed as part of the Lowe's Home Improvement Center.

The public improvements constructed by Lowe's HIW, Inc., as a part of the Lowe's Home Improvement Center, are complete and have been accepted into the City maintained street system.

On December 15, 1999, Lowe's HIW, Inc. entered into a Development Agreement in Aid of Redevelopment with the City of Santee and the Community Development Commission. The agreement provides for the reimbursement of certain off-site improvements constructed with the development. Those improvements have been completed and the fee credits for traffic signal improvements are not sufficient to fund the cost of the signal improvements. Staff requests the CDC appropriate funds to address this shortfall and provide the full, agreed reimbursement to Lowe's HIW, Inc. Staff has reviewed the construction costs and is in agreement with the requested reimbursement amount.

In addition, as part of the Development Agreement and project close out, Lowe's will be paying the balance of Traffic Mitigation fees due the City in the amount of \$ 351,319.77.

ENVIRONMENTAL REVIEW

Environmental review was completed at the time of the project review and approval.

FINANCIAL STATEMENT

Sufficient Redevelopment Funds are available for appropriation to cover the cost of reimbursement.

RECOMMENDATION

Appropriate \$159,483.95 in Redevelopment Funds to reimburse Lowe's HIW, Inc. for construction of traffic signal improvements and authorizes the City Manager to execute the Reimbursement Agreement on behalf of the City and the Community Development Commission.

<u>ATTACHMENTS</u> (Listed Below)

None